

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICKEY JAMES BUCHHOLZ,

Defendant.

CR-21-58-GF-BMM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 18, 2024. (Doc. 139.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 14, 2024 and September 17, 2024. (Docs. 89 and 138.) The United States accused Mickey James Buchholz (Buchholz) of violating his conditions of supervised release by: (1) failing to refrain from the unlawful use of a controlled substance by testing

positive for methamphetamine on May 21, 2024, and; (2) failing to comply with substance abuse testing requirements on May 31, 2024; and (3) failing to comply with substance abuse testing requirements on July 1, 2024, August 20, 2024, August 23, 2024, September 3, 2024, and September 5, 2024. (Docs. 111 and 137.)

At the revocation hearings Buchholz admitted to having violated the conditions of his supervised release by: (1) failing to refrain from the unlawful use of a controlled substance by testing positive for methamphetamine on May 21, 2024 and by: (3) failing to comply with substance abuse testing requirements on July 1, 2024, August 20, 2024, August 23, 2024, September 3, 2024, and September 5, 2024 . Buchholz denied allegation (2) failing to comply with substance abuse testing requirements on May 31, 2024. The Government moved to dismiss allegation (2), which the Court granted. (Doc. 115 and 138.)

Judge Johnston found that the violations Buchholz admitted prove serious and warrants revocation of his supervised release and recommends a sentence of 4 months with 28 months of supervised release to follow. Buchholz was advised of the 14 day objection period and his right to allocute before the undersigned. (Doc. 138.)

The violations prove serious and warrants revocation of Buchholz's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 139.) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Mickey James Buchholz be sentenced to a term of custody of 4 months with 28 months of supervised release to follow. This sentence shall run concurrently with the sentence imposed in CR-22-34-GF-BMM.

DATED this 3rd day of October, 2024.



Brian Morris, Chief District Judge
United States District Court